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MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,624,430 : DECISION ON REQUEST FOR
GILEK et al. : RECONSIDERATION OF
Issue Date: November 24, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/579,685 : NOTICE OF INTENT TO ISSUE
Filed: May 17, 2006 : CERTIFICATE OF CORRECTION
Atty Docket No. 11371-117 :

This is a decision on the petition filed on January 21, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred seventy-two (472) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **four hundred seventy-one (471) days**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the B delay period, the over three year period begins on May 18, 2009, and ends on June 11, 2009, the day before the RCE was filed, and is 25 (not 26) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 471, not 472 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a

certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office will charge the Deposit Account for the \$200.00 fee set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred seventy-one (471) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,624,430 B2

DATED : Nov. 24, 2009

DRAFT

INVENTOR(S): GILEK et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 446 days

Delete the phrase "by 446 days" and insert – by 471 days--

Day : Wednesday

PALM INTRANET

Date: 8/18/2010

Time: 12:27:48

PTA Calculations for Application: 10/579685

Application Filing Date:	05/17/2006	PTO Delay (PTO):	462
Issue Date of Patent:	11/24/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	16
Post-Issue Petitions:	0	Total PTA (days):	471
PTO Delay Adjustment:	25		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
59	08/18/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	25		
55.5	11/04/2009	PTA 36 MONTHS			
55	11/24/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
54	10/26/2009	EXPORT TO FINAL DATA CAPTURE			
53	10/23/2009	DISPATCH TO FDC			
52	10/22/2009	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
51	10/21/2009	RESPONSE TO AMENDMENT UNDER RULE 312			
50	10/07/2009	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		16	52
49	10/14/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
48	10/07/2009	ISSUE FEE PAYMENT VERIFIED			
47	10/07/2009	ISSUE FEE PAYMENT RECEIVED			
46	09/03/2009	FINISHED INITIAL DATA CAPTURE			
45	08/14/2009	EXPORT TO INITIAL DATA CAPTURE			
44	08/10/2009	MAIL NOTICE OF ALLOWANCE			
43	08/07/2009	ISSUE REVISION COMPLETED			
42	08/07/2009	DOCUMENT VERIFICATION			
41	08/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	08/04/2009	NOTICE OF ALLOWABILITY			
39	07/08/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
38	06/16/2009	DATE FORWARDED TO EXAMINER			
37	06/12/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			

36	06/16/2009	DISPOSAL FOR A RCE / CPA / R129			
35	06/16/2009	DATE FORWARDED TO EXAMINER			
34	06/12/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
33	06/12/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	05/18/2009	MAIL ADVISORY ACTION (PTOL - 303)			
31	05/15/2009	ADVISORY ACTION (PTOL-303)			
30	05/14/2009	DATE FORWARDED TO EXAMINER			
29	05/12/2009	AMENDMENT AFTER FINAL REJECTION			
28	03/12/2009	MAIL FINAL REJECTION (PTOL - 326)			
27	03/11/2009	FINAL REJECTION			
26	03/10/2009	DATE FORWARDED TO EXAMINER			
25	01/21/2009	RESPONSE AFTER NON-FINAL ACTION			
24	10/21/2008	MAIL NON-FINAL REJECTION	462		6
23	10/20/2008	NON-FINAL REJECTION			
22	10/09/2008	CASE DOCKETED TO EXAMINER IN GAU			
19	05/17/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	08/27/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	02/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	12/31/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	10/06/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	05/17/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
13	05/17/2006	REFERENCE CAPTURE ON IDS			
12	05/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/17/2006	PRELIMINARY AMENDMENT			
9	06/28/2007	PG-PUB ISSUE NOTIFICATION			
8	05/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	04/24/2007	APPLICATION DISPATCHED FROM OIPE			
6	05/17/2006	371 COMPLETION DATE			
5	03/21/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	03/21/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	06/20/2006	CLEARED BY OIPE CSR			
2	06/20/2006	CLEARED BY OIPE CSR			
1	05/17/2006	INITIAL EXAM TEAM NN			